

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FILED
DISTRICT COURT
2010 OCT -4 A 10:19

JEAN MCBRIDE,

Plaintiff,

v.

BANK OF AMERICA AND BAC HOME
LOANS SERVICING, LP,

Defendants.

ORDER

DISTRICT OF UTAH
DEPUTY CLERK

Case No. 2:10-cv-00960-TC

Judge Tena Campbell

Plaintiff Jean McBride has moved for a temporary restraining order to prevent Defendants from foreclosure pursuant to the trust deed secured by Ms. McBride's property.

A movant is entitled to a preliminary injunction if he can establish the following: (1) a substantial likelihood of success on the merits of the case; (2) irreparable injury to the movant if the preliminary injunction is denied; (3) the threatened injury to the movant outweighs the injury to the other party under the preliminary injunction; and (4) the injunction is not adverse to the public interest.

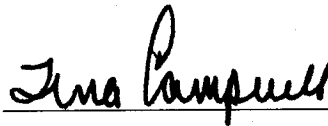
Kikumura v. Hurley, 242 F.3d 950, 955 (10th Cir. 2001).

Ms. McBride argues that because of a number of defects with the securitization process Defendants cannot foreclose on the note. This argument has been rejected by this and other courts. See, e.g., McGinnis v. GMAC Mort. Corp., 2:10-cv-00301, 2010 U.S. Dist. LEXIS 90286 * 7 (Aug. 27, 2010); Rodeback v. Utah Fin., 1:09-cv-134, 2010 U.S. Dist. LEXIS 69821 * 9-10 (D. Utah July 13, 2010); Burnett v. Mortgage Elec. Registration Sys., Inc., 1:09-cv-69, 2009 U.S. Dist. LEXIS 100409 * 10-11 (D. Utah October 27, 2009); Mortgage Elec. Registration Sys., Inc. v. Azize, 965 So. 2d 151, 153-54 (Fl. Dist. 2d Ct. App. 2007); Mortgage Elec. Reg. Sys., Inc. v. Ventura, No. CV054003168S, 2006 Conn. Super. LEXIS 1154 * 3-4 (Conn. Super. Ct. April

20, 2006). Because Ms. McBride cannot show any likelihood of success on the merits of her case, her motion for a temporary restraining order is DENIED.

DATED this 1st day of October, 2010.

BY THE COURT:

A handwritten signature in black ink, reading "Tena Campbell", is written over a horizontal line.

TENA CAMPBELL
Chief Judge